



ITF/4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/828,480 Confirmation No.: 7194  
Applicant : John Lair *et al.*  
Filed : April 21, 2004  
Title : Wireless Headset For Communications Device  
TC/Art Unit : 2681  
Examiner: : Wayne Huu Cai  
  
Docket No. : 64337.000002  
Customer No. : **21967**

United States Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**RESPONSIVE AMENDMENT UNDER 37 C.F.R. § 1.111**  
**PETITION FOR EXTENSION OF TIME UNDER C.F.R. §1.136(a)**

Sir:

**INTRODUCTION AND BACKGROUND**

The outstanding rejections under 35 U.S.C. § 103 were first introduced in the Final Office Action mailed April 14, 2005 (April Office Action). In their first opportunity to address these rejections, applicants filed a response June 10, 2005, (Prior Response) asserting, *inter alia*, that the secondary considerations, such as evidence of commercial success, demonstrates that the claimed invention was not obvious over the prior art. In support of the Prior Response, applicants submitted declarations of Anthony J. Sutera and D. Scott Miller setting forth the facts supporting the commercial success of the claimed invention. The Office mailed an Advisory Action on July 1, 2005, which did not acknowledge the declarations or address secondary considerations as required to support a rejection under 35 U.S.C. § 103. In a telephone conversation with the Examiner and his supervisor, it was agreed that applicants would file a request for continued examination to have the finality of the Final Office Action withdrawn and the declarations considered. It was also agreed that an interview would be appropriate to discuss the commercial success of the claimed invention. The request for continued examination was